

REFERENCE TITLE: photo radar; prohibition on highways.

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# **SCR 1033**

Introduced by  
Senator Gould

## A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3       1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to photo enforcement systems, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7             AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED  
8 STATUTES, BY ADDING SECTION 28-711; AMENDING SECTION 28-1593,  
9 ARIZONA REVISED STATUTES; REPEALING SECTION 41-1722, ARIZONA  
10 REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

11       Be it enacted by the Legislature, of the State of Arizona:

12             Section 1. Title 28, chapter 3, article 6, Arizona  
13 Revised Statutes, is amended by adding section 28-711, to read:  
14             28-711. Photo enforcement system; prohibition; highways  
15             A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE USED ON STATE  
16 HIGHWAYS TO DETECT VIOLATORS OF THIS ARTICLE.

17       Sec. 2. Section 28-1593, Arizona Revised Statutes, is  
18 amended to read:

19             28-1593. Service of uniform traffic complaint

20             A. A traffic complaint may be served by delivering a copy  
21 of the uniform traffic complaint citation to the person charged  
22 with the violation or by any means authorized by the rules of  
23 civil procedure. At the discretion of the issuing authority, a  
24 complaint for a violation issued after an investigation in  
25 conjunction with a traffic accident may be sent by certified  
26 mail, return receipt requested and delivered to addressee only,  
27 to the address provided by the person charged with the  
28 violation. Service of the complaint is complete on filing the  
29 receipt in the court having jurisdiction of the violation.

30             B. The original complaint shall be filed in a court  
31 having jurisdiction of the violation within ten court days of  
32 the time the complaint was issued. A peace officer, or duly  
33 authorized agent or someone paid to act on behalf of a traffic  
34 enforcement agency, may issue the traffic complaint.

35             C. Notwithstanding subsection B of this section, a civil  
36 traffic violation issued pursuant to section 41-1722 may be  
37 issued pursuant to a notice of violation before a citation is  
38 filed in court.

39             D. If a person fails to respond to the notice of  
40 violation or contests responsibility, a uniform traffic  
41 complaint citation shall be served and filed as otherwise  
42 provided in this section.

1           E. The supreme court shall establish rules governing the  
2 issuance, service and processing of the notice of violation,  
3 including rules allowing a person to admit responsibility before  
4 a citation is filed in court.

5           Sec. 3. Repeal

6           Section 41-1722, Arizona Revised Statutes, is repealed.

7           2. The Secretary of State shall submit this proposition to the voters  
8 at the next general election as provided by article IV, part 1, section 1,  
9 Constitution of Arizona.